THE UNITED STATES DISTRICT COURT DISTRICT OF NEVADA

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UNITED STATES OF AMERICA,

Plaintiff,

2:16-cr-46-GMN-PAL-1-4

VS.

DATE: November 9, 2017

CLIVEN D. BUNDY, RYAN C. BUNDY, AMMON E. BUNDY, and RYAN W. PAYNE, Courtroom 7C

Defendants.

THE HONORABLE GLORIA M. NAVARRO, CHIEF UNITED STATES DISTRICT JUDGE

DEPUTY CLERK: <u>Aaron Blazevich & Danielle Cacciabaudo</u> COURT REPORTER: <u>Felicia Zabin</u>

COUNSEL FOR PLAINTIFF: <u>Nadia Ahmed, Steven Myhre and Daniel Schiess with FBI Agents Joel</u> Willis, Sharon Gavin and Mike Abercrombie

COUNSEL FOR DEFENDANT: <u>Bret Whipple, Maysoun Fletcher (Stand-by Counsel for Ryan Bundy),</u>
<u>Daniel Hill, Jay Morgan Philpot, Brenda Weksler, Ryan Norwood with Legal Assistant Michelle</u>
<u>Blackwill, Lucas Gaffney and Andrea Luem</u>

PRETRIAL SERVICES: Erin Oliver and Kelly Bowen

MINUTES OF PROCEEDINGS: Detention Hearing

10:34 p.m. The Court convenes. Mr. Gaffney joins the codefendants' motion to reopen detention hearing as to his client Mr. Melvin Bundy and proffers the same on behalf of Kristine Kuzemka on behalf of Mr. Jason Woods. Mr. Gaffney further represents that Ms. Luem joins in the motion to reopen detention hearing as to her client Mr. Joseph O'Shaughnessy. The Court denies the oral motions for joinder. The Court admonishes the parties regarding courtroom demeanor. The Court makes preliminary statements and hears representations from counsel. The Court notes its inclination to handle each defendant one at a time in today's hearing.

10:58 a.m. As to Defendant Mr. Cliven Bundy, Mr. Whipple makes an oral motion to reopen detention and makes arguments for such. Ms. Ahmed makes objections in response. The Court makes findings as stated on the record and **DENIES** the defendant's release pending trial.

11:14 a.m. As to Defendant Mr. Ammon Bundy, Mr. Hill makes arguments regarding the Motion for Review of Detention Order (ECF No. 2843) and adds arguments regarding new circumstances for his client. Defendant **AMMON BUNDY** is sworn and canvassed by Mr. Hill. Mr. Schiess requests the

ability to cross examine Mr. Ammon Bundy. The Court limits these questions to the testimony elicited from Mr. Hill regarding the potential conditions of pretrial release. Mr. Schiess conducts cross examination.

12:40 p.m. The Court stands at recess for lunch.

1:52 p.m. The Court reconvenes. Mr. Schiess does not have any further questions for **AMMON BUNDY**, who was previously sworn on cross examination. Mr. Hill conducts redirect examination. The witness is excused. Mr. Hill makes an oral motion to renew the Motion to Release Defendants on Due Proceed Grounds (ECF No. 2066). The Court advises Mr. Hill to file that motion which is properly before Magistrate Judge Peggy A. Leen. Mr. Schiess requests the ability to either respond orally on or in writing prior to Monday, November 13, 2017. Mr. Schiess will inform the Court which option the Government intends to exercise by the end of today's proceedings.

2:00 p.m. As to Defendant Mr. Ryan Payne, Mr. Norwood makes arguments in support of his oral motion to reopen detention. Ms. Ahmed makes objections in response. Mr. Norwood replies. The Court does not find that the defendant is a flight risk, but does find the defendant to be a danger to the community. The Court makes findings as stated on the record and **DENIES** the defendant's release pending trial. Exhibits marked but not admitted.

3:10 p.m. The Court stands at recess for an afternoon break.

3:28 p.m. The Court reconvenes. Mr. Ryan Bundy makes arguments in support of his oral motion to reopen detention. The Court notes there are a few possible residences available for Mr. Ryan Bundy. A copy of Defendant O. Scott Drexler's conditions is provided to Mr. Ryan Bundy for his review. Mr. Bundy agrees to abide by any of these conditions, should they be imposed. Mr. Schiess makes objections in response. Copy of defendant's disciplinary actions provided to the defendant and the Court including a copy of a lock-up incident report from the U.S. Marshals. Mr. Ryan Bundy provides photographs for the Court's review. The Court does not find that the Defendant is a flight risk, but does find the defendant to be a danger to the community. The Court makes findings as stated on the record and **DENIES** the defendant's release pending trial. Ammon Bundy's continued detention hearing and Ryan Payne's Motion to Dismiss (ECF No. 2727) hearing are both set for Monday, November 13, 2017, at 8:30 a.m. in Courtroom 7C before Chief Judge Gloria M. Navarro. Jury Trial set for Tuesday, November 14, 2017, at 8:30 a.m. in Courtroom 7C before Chief Judge Gloria M. Navarro.

5:30 p.m. Court adjourns. Defendants are remanded to custody.

| DEBRA K. KEMPI, CLERK | |
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| U.S. DISTRICT COURT | |
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| BY: /S/ | |
| Aaron Blazevich, Deputy Cler | k |